IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

GREGORY EDWARD GUNTER §

VS. § CIVIL ACTION NO. 1:06-CV-518

SHERIFF MITCH WOODS §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORTS AND RECOMMENDATIONS

Petitioner Gregory Edward Gunter, a prisoner confined at the Jefferson County Correctional Facility, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted two Reports and Recommendations of United States Magistrate Judge. The magistrate judge recommended denying respondent's motion to dismiss the petition with respect to the excessive bail claim, and granting the motion with respect to the remainder of petitioner's claims. After petitioner was released from jail, the magistrate judge entered a second report recommending that the excessive bail claim be dismissed as moot.

The court has received and considered the Reports and Recommendations of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's first Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner failed to exhaust state court remedies, except with respect

to his claim of excessive bail. Therefore, the unexhausted claims must be dismissed. *See Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the reports of the magistrate judge are **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So ORDERED and SIGNED this 7 day of June, 2007.

Ron Clark, United States District Judge

Rm Clark